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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,029	08/28/2001	Melvin Hatch	NM Tech 8	5719
30996 7590 03/26/2007 ROBERT W. BECKER & ASSOCIATES 707 HIGHWAY 333 SUITE B TIJERAS, NM 87059-7507			EXAMINER GROSSO, HARRY A	
			ART UNIT 3781	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 03/26/2007	
			DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/941,029		HATCH, MELVIN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Harry A. Grosso		3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6, 7 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

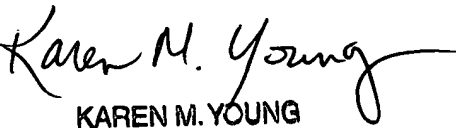
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Prosecution is reopened for the instant application due to the existence of relevant prior art references not cited in prior actions. Reopening of prosecution is authorized by the Technology Center Director. (MPEP 1214.04)

  
KAREN M. YOUNG  
DIRECTOR  
TECHNOLOGY CENTER 3700

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the base as a separate component (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7, 13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogborn (269,313) in view of Mapes et al (2,517,584) (Mapes).

2. Regarding claim 1, Ogborn discloses a heat conducting support capable of being used with a round or curved bottom vessel (Figures 1-4) that is metallic (page 1, lines 57-60) having an inner portion (B), an outer portion (A) and a base, the bottom edge of (A), for placement on a heating element. The inner portion has no apertures and is concavely curved (Figure 4) and the relation of the outer portion to the inner portion and base meets the requirements of the claim. Ogborn does not teach the use of a multilayer sheet of metal. Mapes discloses a heat conducting support with a bottom surface comprising two layers of metal, stainless steel and copper, to provide more uniform heat distribution (Figure 1, column 2, line 45 to column 3, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of two layers of metal including a copper layer as disclosed

by Mapes in the support of Ogborn to provide an inner surface that is stain resistant and a layer to provide more uniform heat distribution.

3. Regarding claims 2 and 3, Mapes discloses the use of stainless steel and copper, both non-magnetic.
4. Regarding claim 7, the outer portion is essentially cylindrical.
5. Regarding claim 13, the base is the bottom edge of (A) and is at the lower part of (A) and remote from the upper location of the inner portion.
6. Regarding claim 15, the bottom of the inner portion is curved.
7. Regarding claim 16, the bottom of the inner portion is in a plane space above the plane of the base.
8. Regarding claim 17, the structure of Ogborn is capable of being place on an electrical hot plate having a flat surface. The base claim from which claim 17 depends clearly states that the support is for placement on a heating element. The intended use does not require any structure that is not in Ogborn as modified by Mapes. Claim 17 does not require the combination of the heating element and the support.
9. Regarding claim 18, see Figures 2 and 4, where the space (C) between the inner and outer portions is open in a direction away from where the inner and outer portions adjoin each other.
10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogborn as modified by Mapes in view of Hailes (506,849). Ogborn as modified by Mapes discloses the invention except for the outer portion tapering outwardly. Hailes discloses a similar device with an outer portion that tapers outwardly (B, Figures 2-5, page 1, lines

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53-60) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of an outer portion tapering outwardly as disclosed by Hailes in the support of Ogborn to provide flexibility to efficiently use the support with a larger heating element.

11. Claims 9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogborn as modified by Mapes in view of Wischusen, III, of record.

12. Regarding claims 9 and 11, Ogborn as modified by Mapes discloses the invention except for the base being substantially flat. Wischusen, III, as seen in Figures 1, 2 and 4 teaches a support with a base that extends outward from the outer portion and is substantially flat. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a base that extends outwardly and is essentially flat as disclosed by Wischusen, III in the support of Ogborn as modified by Mapes to provide a more stable support.

13. Regarding claim 12, the support of Ogborn as modified by Mapes and Wischusen, III would comprise an inner portion, outer portion and base of monolithic construction.

14. Regarding claim 14, Ogborn as modified by Mapes discloses the invention except for the base being square. Wischusen, III, as seen in Figures 1 and 4 teaches that a support that has an essentially cylindrical outer portion can have either a circular base or a square base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the square base of

Wischusen, III in the support of Ogborn as modified by Mapes to provide an alternative or more stable configuration for the base.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogborn as modified by Mapes in view of Marguiles, of record. Ogborn as modified by Mapes discloses the invention except for the base being separate from the outer portion Marguiles teaches a support structure where the base is a separate member from the outer portion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a base that is separate from the outer portion as disclosed by Marguiles in the support of Ogborn as modified by Mapes to provide an additional support to the outer portion of Ogborn.

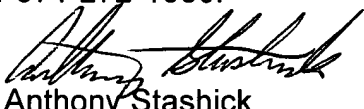
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anthony Stashick  
Supervisory Patent Examiner  
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hag